IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 31246 of 2006(T)

PETITIONER:

D.GIRIJAKUMARY, VALIYAVILA PUTHEN
VEEDU, PLACKODE, EDAKIDAM P.O.,
EZHUKONE, KOLLAM.

BY ADV. SRI.V.PREMCHAND

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES LTD., REPRESENTED BY ITS MANAGER, K.S.F.E.LTD., KOTTIYAM, KOTTARAKKARA, KOLLAM DISTRICT.

2. THE MANAGER, THE KERALA STATE FINANCIAL ENTERPRISES LTD., KOTTIYAM, KOTTARAKKARA, KOLLAM DISTRICT.

3. THE SPECIAL DEPUTY TAHSILDAR, THE KERALA STATE FINANCIAL ENTERPRISES LTD., KOLLAM DISTRICT.

R1 AND R2 BY ADV. SRI.S.D.ASOKAN, SC FOR KSFE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 31246 OF 2006

Dated this the 5th day of December, 2006

JUDGMENT

Heard counsel for the petitioner and standing counsel for KSFE. Petitioner's husband joined several chitties, committed default to some extent and later died in 2001. However, standing counsel for KSFE submitted that petitioner's husband has deposited Rs. 80,750/- in an unprized chitty and on account of his death, chitty is discontinued. In view of the death of the subscriber and consequent discontinuance, I direct the second respondent to adjust the credit balance towards liability due in the defaulted chitty of the petitioner's husband and issue demand notice to the petitioner for clearing the arrears. If petitioner offers full payment at least within three months from now, then there will be direction to the KSFE to waive complete penal interest debited in the defaulter's chitty account and recover only the arrears and normal rate of interest. However, if the petitioner is not in a position to settle the arrears within three months, then there will be direction to the KSFE to grant monthly instalments to clear the arrears fixing monthly

instalment at around Rs. 10,000/- if the security furnished is adequate. If the security is inadequate then petitioner can offer addl. security for granting easy monthly instalment of Rs. 10,000/-.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge